

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N010-2014-0015 CX

CASEFILE/PROJECT NUMBER: COD 034365

PROJECT NAME: Colowyo Coal Lease COD 034365 Readjustment

LEGAL DESCRIPTION:

	<u>T.3N., R.93W., 6TH P.M.</u>
SEC. 2	NE ¹ / ₄ SW ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ ; W ¹ / ₂ SW ¹ / ₄ , SE ¹ / ₄ SW ¹ / ₄ ; LOTS 10, 13, 22, 23;
SEC. 3	S ¹ / ₂ N ¹ / ₂ , S ¹ / ₂ ;
SEC. 4	S ¹ / ₂ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ ; S ¹ / ₂ SW ¹ / ₄ NW ¹ / ₄ , S ¹ / ₂ ; LOTS 1-3;
SEC. 9	ALL;
SEC. 10	ALL;

2,604.79 Acres in all

APPLICANT: Colowyo Coal Company

DESCRIPTION OF PROPOSED ACTION: This action is for a ten year coal lease readjustment of the lease terms. The last readjustment of this lease was in 2004. This lease has been producing since December of 1984.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The proposed action was reviewed for conformance (43 CFR 1610.5, BLM 1617.3) with the following plan:

Name of Plan: Little Snake Record of Decision and Resource Management Plan

Date Approved: October 2011

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

Allow for the availability of the federal coal and oil shale estate for exploration and development. Objectives for achieving these goals include:

- Identify and make available the federal coal and oil shale estate for exploration and development, consistent with appropriate suitability studies, to increase energy supplies.
- Facilitate reasonable, economical, and environmentally sound exploration and development of the federal coal and oil shale estate.
- Promote the use of BMPs, including implementation of sound reclamation standards.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 2.3A(3) and 516 DM 11.9, Number: F. (2). None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.	_____	X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	_____	X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	_____	X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	_____	X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	_____	X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	_____	X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	_____	X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	_____	X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	_____	X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the		

area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	<u> </u> X
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INTERDISCIPLINARY REVIEW:

Title	Resource	Date
Archaeologist	Cultural Resources	3/19/2014
Rangeland Mgmt Spec	T&E Plants	3/7/2014
Wildlife Biologist	T&E Animals	3/10/2014

NAME OF PREPARER: Jennifer Maiolo

NAME OF ENVIRONMENTAL COORDINATOR:

DATE:

COMPLIANCE WITH NEPA

This action is listed in the Department Manual (516 DM 2, Appendix 1 and 516 DM 11) as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Timothy Wilson
Wendy Reynolds, Field Manager

DATE SIGNED: 3/17/14

ATTACHMENT B

SPECIAL STIPULATIONS

CULTURAL RESOURCES

The BLM's authorization of mining leases is considered an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM has the legal responsibility to consider the effects of its actions on cultural resources located on federal land. BLM Manual 8100 Series; the Colorado State Protocol; and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on Section 106 compliance requirements to meet appropriate cultural resource standards. Section 106 of the NHPA requires federal agencies to: 1) identify cultural resources within federal undertaking Areas of Potential Effect (APEs), 2) evaluate the significance of cultural resources by determining National Register of Historic Places (National Register) eligibility and, 3) consult with applicable federal, state, and tribal entities regarding inventory results, National Register eligibility determinations, and proposed methods to avoid or mitigate potential impacts to eligible sites.

In Colorado, the BLM's NHPA obligations are carried out under a Programmatic Agreement (PA) among the BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). Should an undertaking be determined to have "no effect" or "no adverse effect" by the BLM-LSFO archaeologist, the undertaking may proceed under the terms and conditions of the PA. If the undertaking is determined to have "adverse effects," project-specific consultation is then initiated with the SHPO.

The culture history of northwestern Colorado is presented among several recent context studies. Reed and Metcalf's (1999) study of the Northern Colorado River Basin provides applicable prehistoric and historic overviews as compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context also was prepared for the State of Colorado by Church et al. (2007). Furthermore, significant cultural resources administered by the BLM-LSFO are provided in a Class 1 (archival) overview (McDonald and Metcalf 2006), in addition to valuable contextual data provided by synthesis reports of archaeological investigations conducted for a series of large pipeline projects in the BLM-LSFO management area (Metcalf and Reed 2011; Rhode and others 2010; Reed and Metcalf 2009).

National Register-eligible cultural resources—i.e., *historic properties*—may be subject to direct or indirect impacts as a result of mining and/or operational activities. Indirect effects to historic properties also may include increased access to/collection of artifacts and cultural materials, inadvertent trespass/damage to cultural resources, and possible damage of the environmental setting.

The lease area was previously surveyed for cultural resources as reported in the following:

Lischka, Joseph J.
1975 *W.R. Grace & Company Railroad Corridors & Colowyo Mine Site*. OAHF
#MF.LM.R287. University of Colorado, Boulder.

As a result of prior inventory, four cultural resource sites were identified within the specified lease area. Known site types include prehistoric lithic scatters and historic ranch/habitation features. All of the documented sites were previously determined not eligible for National Register listing and, therefore, required no further work or consideration. Because no significant cultural resources are located within the current lease area and mining activities authorized under the terms and conditions of the proposed agreement have been occurring since the 1980s, the current undertaking may proceed with a project effect determination of *no historic properties affected*.

References

Athearn, Frederic J.

1982 *An Isolated Empire: A History of Northwest Colorado*. Cultural Resource Series No. 2, Second Edition. Colorado Bureau of Land Management, Denver.

Church, Minette C., Steven G. Baker, Bonnie J. Clark, Richard f. Carrillo, Jonathan C. Horn, Carl D. Spath, David R. Guilfoyle, and E. Steve Cassells

2007 *Colorado History: A Context for Historical Archaeology*. Colorado Council of Professional Archaeologists, Denver.

Elkins, Melissa and Patrick O'Brien

2011 *Class I Inventory and Proposed Class II Methodology For Peabody Coal Company's Sage Creek Subsidence Expansion Area, Routt County, Colorado (Draft)*. BLM-LSFO Project #54.1.2012. Metcalf Archaeological Consultants, Inc., Eagle, Colorado.

Husband, Michael B.

1984 *Plateau Country Historic Context*. Office of Archaeology and Historic Preservation, Colorado State Historic Preservation Office, Denver.

Metcalf, Michael D and Aland D. Reed

2011 *Synthesis of Archaeological Data Compiled for The Piceance Basin Expansion, Rockies Express Pipeline, and Uinta Basin Lateral Projects Moffat and Rio Blanco Counties, Colorado and Sweetwater County, Wyoming*. Volume 2. Metcalf Archaeological Consultants, Inc., Eagle, Colorado.

McDonald Kae and Michael Metcalf

2006 *Regional Class I Overview of Cultural Resources for the BLM Little Snake Field Office*. Metcalf Archaeological Consultants, Inc., Eagle, Colorado.

Reed, Alan D. and Michael Metcalf

1999 *Colorado Prehistory: A Context for the Northern Colorado River Basin*. Colorado Council of Professional Archaeologists, Denver.

2009 *Synthesis of Archaeological Data Compiled for The Piceance Basin Expansion, Rockies Express Pipeline, and Uinta Basin Lateral Projects Moffat and Rio Blanco Counties, Colorado and Sweetwater County, Wyoming*. Volume 1. Alpine Archaeological Consultants, Inc., Montrose, Colorado.

Rhode, David, Lisbeth A. Louderback, David Madsen, and Michael D. Metcalf

2010 *Synthesis of Archaeological Data Compiled for The Piceance Basin Expansion, Rockies Express Pipeline, and Uinta Basin Lateral Projects Moffat and Rio Blanco Counties, Colorado and Sweetwater County, Wyoming*. Volume 3. Metcalf Archaeological Consultants, Inc., Eagle, Colorado.